

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1290 OF 2020

VANITA

Petitioner(s)

VERSUS

NITIN GADE

Respondent(s)

O R D E R

This transfer petition was entertained by this Court on 04.12.2020, while taking note of the submissions on the part of the petitioner for seeking transfer of the petition for restitution of conjugal rights, as filed by the respondent-husband from Durg (Chhattisgarh) to a competent Court at Pune (Maharashtra). The order dated 04.12.2020 reads as under: -

"The petitioner (wife) seeks transfer of the case for Restitution of Conjugal Rights filed by the respondent (husband), pending in the Court at Durg, Chhattisgarh to a Competent Court, Pune, Maharashtra.

Mr. Sanjay Kharde, learned counsel submits that the petitioner with her son was forced out of the matrimonial home at Durg and currently she is residing at Pune. She is pursuing her Ph.D. together with a contractual job at Pune. According to the learned counsel, the respondent is having an extra marital affair and is employed in a faculty position at Durg.

In view of above, let notice returnable within four weeks, be issued.

In the meantime there shall be stay of further proceedings in CS-A-Civil Suit-A

No.214/2020 titled as "Nitin Gade son of Ekanth Gade Vs. Vanita Chature-Vijay Saligram Chature", pending before the Family Court, Durg, Chhattisgarh."

As per the office report, the sole respondent was served as back as on 04.01.2021 but nobody has appeared for him.

Having heard learned counsel for the petitioner and having perused the contents of this petition, this Court is satisfied that so far the prayer for transferring the proceedings is concerned, a case is made out in favour of the petitioner. This is with reference to the inconvenience likely to be faced by her in attending the proceedings at Durg while otherwise pursuing her studies as well as contractual job at Pune. However, the other allegations sought to be made by petitioner against the respondent-husband do not require any comment in these proceedings, for the same could be the subject-matter of consideration in the main proceedings by the Trial Court.

Therefore, without any comments on the allegations sought to be made by petitioner against the respondent but, with respect to other factors of inconvenience and then, for the respondent having not appeared in opposition, this petition is allowed.

Accordingly, Civil Suit A. No. 214 of 2020 pending in the Family Court, Durg, Chhattisgarh is ordered to be transferred to the Family Court, Pune, Maharashtra.

The record be transmitted accordingly.

Having regard to the circumstances that the respondent has not appeared in these proceedings, it would be expected of the

transferee Court to issue notices for appearance to the parties before proceeding further in the matter.

.....J.  
(DINESH MAHESHWARI)

New Delhi;  
April 07, 2022.

ITEM NO.1619

COURT NO.14

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Transfer Petition(Civil) No. 1290/2020

VANITA

Petitioner(s)

VERSUS

NITIN GADE

Respondent(s)

(FOR ADMISSION and IA No.120201/2020-STAY APPLICATION and IA No.120202/2020-EXEMPTION FROM FILING O.T.)

Date : 07-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Sanjay Kharde, Adv.  
Mr. Mool Singh, Adv.  
Mr. Sunil Kumar Verma, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The transfer petition is allowed in terms of the Signed Order.

All pending applications stand disposed of.

(SHRADDHA MISHRA)  
SENIOR PERSONAL ASSISTANT

(RANJANA SHAILEY)  
COURT MASTER (NSH)

(Signed order is placed on the file)